

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA

~~BECKLEY~~

FILED

APR - 4 2011

TERESA L. DUNN, CLERK
U.S. DISTRICT COURT
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 11-00092
18 U.S.C. § 1001

RAYMOND C. DAWSON

I N F O R M A T I O N

The United States Attorney Charges:

(False Statement to MSHA Special Investigators)

Background

At all relevant times:

1. Griffith Construction Company ("Griffith Construction") was an independent contractor that performed construction and other services at a coal mine, known as the Brooks Run Mining Company, LLC - Cucumber Mine, in McDowell County, West Virginia. The products and operations of Cucumber Mine and the activities of Griffith Construction affected interstate commerce. Thus, Griffith Construction was an "operator" under the Federal Mine Safety and Health Act of 1977 (the "Mine Act"), codified in Chapter 22 of Title 30, United States Code.

2. As an operator, Griffith Construction was subject to the provisions of the Mine Act and the regulations promulgated thereunder, including the mandatory safety standards in Title 30, Code of Federal Regulations.

SCANNED

3. The Mine Safety and Health Administration ("MSHA") was an agency of the United States Department of Labor and was responsible for the promulgation and enforcement of the federal regulations codified in Title 30 of the Code of Federal Regulations related to mine safety and health.

4. Section 825(a) of Title 30, United States Code, required that new miners at a coal mine receive a certain number of hours of initial training. Section 48 of Title 30, Code of Federal Regulations, further required that the initial training include training on: the miners' work environment, which included a visit to and a tour of the mine; hazard recognition; and health and safety aspects of the tasks to which they would be assigned.

5. Section 825(a) of Title 30, United States Code, also required that experienced miners receive 8 hours of annual refresher training. Section 48 of Title 30, Code of Federal Regulations further required that the annual refresher training include, among other things, training on mandatory health and safety standards related to the miners' tasks, transportation controls and communication systems, firefighting, first aid, prevention of accidents, and the recognition and avoidance of electrical hazards.

6. Defendant RAYMOND C. DAWSON, who resided in Raysal, McDowell County, West Virginia, was an instructor approved by MSHA to provide initial and refresher training to miners.

7. Section 48 of Title 30, Code of Federal Regulations, also required that upon a miner's completion of an MSHA-approved training program, a training certificate (the MSHA Form 5000-23) was to be completed and maintained at the operator's site, available for inspection by MSHA and others.

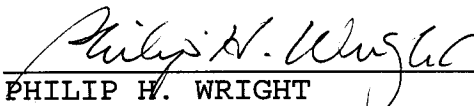
The False Statement

8. On or about November 3, 2008, at or near Iaeger, McDowell County, West Virginia, and within the Southern District of West Virginia, defendant RAYMOND C. DAWSON knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, in that defendant RAYMOND C. DAWSON stated and represented to Special Investigators of MSHA that "I always give the required training and always keep the miners the required amount of time," when in fact and as he well knew at the time, on prior occasions he had not given the required training to miners employed by Griffith Construction and had not kept the miners the required amount of time for the training.

In violation of Title 18, United States Code, Section 1001.

R. BOOTH GOODWIN II
United States Attorney

By:


PHILIP H. WRIGHT
Assistant United States Attorney